

TITLE 4. STATE ATHLETIC COMMISSION PROGRAM

NOTICE IS HEREBY GIVEN that the State Athletic Commission Program (hereinafter "program") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments in writing relevant to the action proposed.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the program at its office not later than 5:00 p.m. on December 18, 2006.

The program does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the program. The request must be received at the program office no later than 5:00 p.m. on December 1, 2006.

The program, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 18611 of the Business and Professions Code, and to implement, interpret or make specific Sections 18640, 18641, 18642, 18643, 18648, 18661, 18665, 18705, 18706, 18710, 18712, 18714, 18723, 18725, 18728, 18733, 18738, 18748, 18840, 18855, and 18860 of said Code, the program is considering changes to Division 2 of Title 4 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The purpose of the proposed amendments and additions is to clarify a variety of existing regulations. The proposed changes including addressing the responsibilities of the promoter and the referee, the licensing requirements of the matchmaker, the health and safety of the athlete, and to comply with the national standards as outlined in Association of Boxing Commissions, Regulatory Guidelines and Rules modified July 27, 2005.

1. Amend Section 214. Existing regulation does not include the Hepatitis C (HCV) virus in the required blood tests for licensure as a boxer. This proposed regulation would bring the regulation into compliance with Business and Professions Code section 18712.

2. Amend Section 217. Existing regulation requires a matchmaker to pass a written examination administered by the program on California laws and regulations relating to boxing and indicates that the examination may be waived if the applicant has a valid matchmaker license in another state or country and has not been subject to any disciplinary action. This proposed regulation amends Section 217 by permitting a matchmaker to obtain a temporary license and serve in an apprentice program supervised by the program. Additionally, the proposed regulation permits a licensed promoter in the United States with documented experience in matchmaking equivalent to that required in the apprentice program to be issued a matchmaker license.

3. Amend Section 240. Section 240(a) states that the promoter may not release the names of contestants to the media or otherwise publicize a contest unless a contract has been executed between the parties. This proposed regulation would allow the promoter to publicize a bout as soon as the Executive Officer or his designee approves it.

Section 240(b) provides for the grounds for denial of a promoter's request to hold a boxing contest. The proposed regulations would clarify that this section applies to boxing and martial arts. This proposal would also add a provision that if the promoter does not identify the potential contestants in a timely manner, then the program can deny the promoter's request to hold a boxing contest.

4. Amend Section 281. Existing regulation does not describe the specific indicators that the program uses to evaluate the physical condition of the boxer. This proposal would add a provision that describes the physical condition requirements used by the program to evaluate the physical condition of the boxer.

This proposal would also specify that no license shall be issued to any applicant who is missing all or part of a limb.

5. Amend Section 283. Existing regulations provide that the boxer shall satisfy the program that the boxer has the ability to compete before a license can be issued.

This proposal would specify that the factors listed in Rule 281 shall be considered in evaluating a boxer's ability to perform. This proposal would also require that an applicant for a boxer's license shall provide verifiable documentation of the applicant's competitive history.

6. Amend Section 294. Existing regulations require that a club shall ensure that there is emergency equipment and adequate access available at the site during a show.

This proposal would add a requirement that the club shall provide at ringside at least one oxygen tank and mask for the health and safety of competitors.

7. Amend Section 298. Existing regulations provide for the different weights and classes in a boxing match.

This proposal would add another weight classification consistent with the weight classes established by the Association of Boxing Commissions, Regulatory Guidelines and Rules modified July 27, 2005.

8. Amend Section 303. Existing regulations specify that the administration or use of any drugs, alcohol or stimulants, or injections in any part of the body, either before or during a match, to or by any boxer is prohibited.

The proposed regulations would clarify specific health and safety requirements regarding drug testing.

9. Amend Section 322. Existing regulation specifies the weight of the gloves to be used by contestants.

This proposal would clarify requirements for the determination of glove weight.

10. Amend Section 323. Existing regulations specify the standards for hand bandaging.

This proposal would amend existing regulations to conform to the hand bandage requirements established by the Association of Boxing Commissions, Regulatory Guidelines and Rules modified July 27, 2005.

11. Amend Section 337. Existing regulations specify the different types of fouls in boxing.

This proposal would add additional types of fouls.

12. Amend Section 338. Existing regulations specify the types of intentional fouls.

This proposal would clarify the types of determinations a referee may make regarding intentional fouls and the consequences for the contestants who commit intentional fouls.

13. Amend Section 339. Existing regulations provide for types of unintentional or accidental fouling.

This proposal would clarify the referee's determination of unintentional fouls and the consequences of unintentional or accidental fouls.

14. Amend Section 362. Existing regulation provides that a second shall not excessively coach a boxer during a round. This proposal would clarify the definition of excessive coaching from ringside.

15. Amend Section 363. Existing regulations provide that excessive use of water or ice between rounds is prohibited.

This proposal would provide specific clarification for the use of water or ice in the corner.

16. Amend Section 364. Existing regulations specify that a manager or chief second of a contestant may toss a towel into the ring in token of defeat.

This proposal would specify the manner in which the chief second of a contestant may instruct the referee to stop a bout.

17. Amend Section 381. Existing regulation does not define the term "Alternative Provisions." This regulatory proposal defines the term "alternate" provisions and changes the term "Alternative" to "Alternate."

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The program has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The program has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The program is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The program has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The program must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements in writing relevant to the above determinations.

INITIAL STATEMENT OF REASONS AND INFORMATION

The program has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained on the California State Athletic Commission Program's web site, <http://www.dca.ca.gov/csac> or upon request from the Headquarters Office at 1424 Howe Avenue, Suite 33, Sacramento, California 95825, (916) 263-2195.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Susan Lancara
Address: 1424 Howe Avenue, Suite 33
Sacramento, CA 95825
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The backup contact person is:

Name: William Douglas
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Website Access: Materials regarding this proposal can be found at www.dca.ca.gov/csac.